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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the initial periodic report of Montenegro

Addendum

Information provided by Montenegro in follow-up to the concluding observations*

[Date received: 10 February 2014]

* The present document is being issued without formal editing.

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I. Introduction

Montenegro acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as part of the succession process.

Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, State Parties undertake to submit to the Secretary General of the United Nations a report on the legislative, judicial, administrative and other measures which they have adopted to give effect to the provision of the present Convention as well as on the progress made in that regard within one year after the entry into force of the Convention and thereafter at least every four years. With regard to Montenegro, the deadline for such report was 23 October 2007, that is a year after the Convention entered into force in relation to Montenegro.

Initial report was prepared by the Ministry for Human and Minority Rights and adopted at the Government session on 25 February, 2010. It was submitted to the CEDAW Committee afterwards. It pointed out legislative and other measures undertaken by Montenegro in the period 2006-2009, related to the 16 articles of the Convention.

Thus, the Initial Report has been submitted to the CEDAW Committee in May 2010.

The Committee considered the initial report of Montenegro (CEDAW/C/MNE/1) at 1002nd and 1003rd meetings on 6 October 2011 (CEDAW/C/SR.1002 and 1003).

The Committee expressed its appreciation to the State party for its initial report, which was detailed and generally followed the Committee's guidelines for the preparation of reports. In addition, it welcomed the adoption, since the entry into force of the Convention for the State party, of several legislative measures aimed at eliminating discrimination against women, including (Law on Gender Equality, Law on Prohibition of Discrimination, Law on the Protector of Human Rights and Freedoms, Law on Domestic Violence Protection, Amendments to the Criminal Code etc.), as well as establishment of different institutional mechanisms and policies for the improvement of the status of women.

Beside positive aspects, the Committee recalled the obligation of the State party to systematically and continuously implement all the provisions of the Convention and in concluding observations have provided recommendations with priority areas that have to be implemented until the next periodic report. Accordingly, the Committee invited Montenegro to focus its attention to certain areas and to include the information about activities and achieved results in the next report.

The Committee requested the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 and 23, which relate to the violence against women, trafficking and exploitation of prostitution, and participation in political and public life.

Regarding this obligation and submission of the Report to the CEDAW Committee by the end of 2013, the Ministry for Human and Minority Rights, in cooperation with relevant state institutions (Ministry of Education and Government

Office for Combating Human Trafficking) prepared the responses to the recommendations 19-23.

Gender Equality Committee of the Parliament of Montenegro, at its 24th session held on 27 December 2013, discussed the Report and agreed with its content, with recommendation to amend the point 22 related to the gender balanced representation in the Parliament, having in mind the fact that the consensus related to the guaranteed quota for less represented sex hasn't been achieved yet.

II. Written information on the steps undertaken to implement the CEDAW recommendations contained in paragraphs 19 and 23

19. Violence against women

(a) **Ensure that all reports of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of their crimes.**

Law on Domestic Violence Protection, which regulates the area of domestic violence, entered info force in August 2010. Domestic violence, as used in this Act, shall mean omission or commission by a family member in violating physical, psychological, sexual or economic integrity, mental health and peace of other family member, irrespective of where the incident of violence has occurred. The Law prescribes the protection of victims in misdemeanor procedure and envisages five protection orders, as a kind of misdemeanor sanctions: removal from residence, restraining order, prohibition of harassment and stalking, mandatory addiction treatment and mandatory psycho-social therapy. The principle of emergency is envisaged in proceedings related to the protection from violence, right to psycho-social legal aid, as well as social and medicine protection. It also stipulates the obligation of the Police, misdemeanor body, public prosecution service, center for social welfare and other institutions of social and child welfare to provide full and coordinate support to the victim of violence.

The Protocol on Conduct between all relevant institutions has been signed in November 2011 and envisages the way and forms of mutual cooperation in the cases of domestic violence. With regard to that, 10 multidisciplinary teams have been set up at the local level, providing multidisciplinary support to the victims of domestic violence, in accordance to the Law on Domestic Violence Protection. They are set up within 10 centers for social welfare.

Since the adoption of the Law on Domestic Violence Protection (2010) it is noticed that the number of reported cases of domestic violence and violence against women have increased. This clearly implies that the Law is implemented in the practice. What is important to point out is the increased number of misdemeanor reports while the number of criminal offence decreased and that was the intention of the adoption of special Law to provide the victim with fast and efficient protection.

In order to illustrate this we provide statistics from relevant institutions for 2011 and 2012:

During 2012 **the Police Directorate** registered 154 (232)[1] criminal offences of domestic violence, which in comparison to the previous year represents the decrease for 33, 6%. 154 (228). Criminal reports have been submitted to the prosecutor, reporting 160 (230) persons, out of which 94% are men. Victims of domestic violence are 162 (257) persons, out of which 121 (193) are women and 6(22) minors. During 2012, there were 945 misdemeanor reports, reporting 972 perpetrators, out of which 786 are male. Total record is 1015 persons, victims of domestic violence, out of which 628 are women, 318 men and 40 minors.

During 2012, in **misdemeanor courts** there were 907 cases from the Law on Domestic Violence Protection, out of which 686 or 75, 63% are completed. The cases were completed in the following way: 282 fines or 41,10%; 67 imprisonment or 9,76%; 74 probation or 10,78%; 72 warnings or 10,49%; 10 single measures or 1,45%; 13 dismissal or 1,89%; 6 educational measures or 0,87%; 8 rejections or 1,16% and 154 setting free or 37,02%. For the above mentioned period 203 protection measures have been issued out of which 10 were single and 193 combined with the punishment: 45 restraining order; 41 mandatory addiction treatment; 13 mandatory psycho-social therapy; 27 removal from residence; 73 prohibition of harassment and stalking; 3 mandatory psycho-social therapy, and in one case were the perpetrator was a foreign citizen, the order of removal from the territory of Montenegro was issued.

In 2011, in **basic courts** in Montenegro, 127 guilty verdicts were issued against 141 persons for the criminal offence domestic violence from the Criminal Code Article 220, out of which: 40 imprisonments lasting from 30 days until 1 year and 2 months, 69 probations lasting from 30 days of prison on probation for a year until one year and two months of prison on probation for 2 years, 12 fine sentences from 300,00 euros until 1.200,00 euros, 8 security measures, 1 court warning i 2 educational measures.

U 2012, in **basic courts** in Montenegro until 1st of July there were 46 guilty verdicts against 50 persons for the criminal offence domestic violence from the Criminal Code Article 220, out of which: 16 imprisonments lasting from 30 days until 4 months, 29 probations lasting from 30 days of prison on probation for a year until 1 year of prison on probation for 2 years, 2 fine sentences out of which one is 500,00 euros and another 1.200,00 euros, 1 educational measure and 2 security measures.

(b) **Provide mandatory training to judges, prosecutors and police officers on standardized procedures for dealing with victims in a gender-sensitive manner and on the application of protection orders under the Law on Protection against Family Violence, expedite the adoption of implementing regulations under the Law, and identify any gaps in the application of protection orders in criminal proceedings.**

When it comes to the training for professionals from relevant institutions such as the Police, Judiciary, Social Welfare Centers, the Ministry for Human and Minority Rights in the framework of Gender Equality IPA 2010 Programme, implemented in cooperation with UNDP and with the financial support of the EU, organized a range of training to gender sensitize officers to deal with cases of domestic violence during 2012 and 2013.

[1] Data for 2011.

For the purpose of continuing education and sensitization of professional staff on the issue of domestic violence during 2012, the five-day training for 20 trainers on the implementation of the Protocol from the Police and Centers for Social Welfare has been organized. The training was organized for the purpose of providing a standardized approach to all police officers, social workers, NGOs and other relevant stakeholders in the protection and support for victims of violence. All of the trainers received certificates upon the successful completion of the training.

Trained trainers have already started the process of training for the police officers and professionals in all the centers for social welfare. During November and December 2012, 11 trainings in 10 cities with 220 participants were organized. The aim of the training was to introduce the employees of the Police, Social Welfare Centers and health services with the implementation of the Protocol on Conduct in cases of domestic violence and the principles of inter-sectoral cooperation, sensitization for the issues of domestic violence as well as familiarity with the principles of working with victims.

During four training sessions, 2 of which were held in Podgorica (in the municipality of Podgorica, Danilovgrad, Cetinje and Kolasin), 1 in Bar (for the municipalities of Bar and Ulcinj) and one in Kotor (for municipalities Kotor, Budva and Tivat), around 80 police officers, representatives of social welfare centers and health services were trained. Trainings were implemented in the framework of Gender Equality IPA 2010 Programme, in cooperation with 3women's NGOs: SOS hotline for women and children victims of violence Niksic, SOS hotline for Women and children victims of violence and Center for women's rights. During 2013, the same program continued with the training for judiciary and misdemeanor courts, as well as members of multidisciplinary teams of ten cities in which they are set up.

Regarding the adoption of by-laws, in accordance with the Law on Domestic Violence Protection, the Ministry of Interior issued the Regulation on the detailed content and form orders of removal or prohibition of returning to the residence, which was published in the Official Gazette 42/12 on 31 of July 2012. In addition, the Ordinance on detailed method of determining and implementing protective measure of mandatory psychosocial treatment was completed and published in the Official Gazette 50/13 on 10 October 2013.

The provisions relating to protection measures are improved in the amendment of the Criminal Code (August 2013), so that they introduced two new provisions such as restraining order that says "to the perpetrator of sexual abuse domestic violence, incest, unauthorized production, possession and distribution of narcotics, the court shall impose a restraining order to the person or group of persons or particular place where there is a risk that the offender could again make the same criminal offense", and the removal from the residence that says "the court shall issue the order of removal from the residence to the perpetrator of domestic violence if there is a risk that the offender may commit the same criminal offence."

(c) **Provide adequate assistance and protection to women victims of violence, especially psycho-social rehabilitation and an adequate number of shelter facilities funded by the State party, as well as funding for NGOs that assist victims.**

According to the Law on Domestic Violence Protection, the Center for Social Welfare, or other social and child protection, health institutions and other bodies and

institutions involved in the protection shall, without delay, provide protection and assistance to victims in accordance with its jurisdiction. These bodies and institutions are obliged to take care of all the needs of victims and allow them access to all forms of assistance and protection. The law prescribes the assistance plan for the victim, so that the Center for Social Welfare may set up an expert team consisted of representatives from the Center, bodies and agencies of local government, police, non-governmental organizations and experts dealing with the family issues, in order to establish victim assistance plan and coordinate activities in the process of helping victim, in accordance with their needs and choices. Victim assistance plan specifically includes measures to be taken in accordance with the Law governing social and child protection. If the victim is a child, victim assistance plan also contains measures to protect the child in accordance with the law governing family relations. In order to implement these activities, the professional team can educate other bodies, institutions and organizations dealing with the protection.

In Montenegro there are three shelters for women and children victims of violence run by women's non-governmental organizations (Podgorica, Niksic and Pljevlja) and one public institution in Bijelo Polje to support a family in which women and children victims of violence are placed. On the occasion of 25 November-International Day for the Elimination of Violence against Women in 2012, the Secretariat for Social Welfare in the Capital Podgorica and the NGO Women's Safety House opened a shelter for victims of domestic violence, which is a continuation of the activities envisaged by the Memorandum of Understanding for the implementation of support services for victims of domestic violence which was signed on 11 October 2012. In this way, Capital city of Podgorica has provided the house for temporary use to the NGO Women's Safety House. NGO SOS Hotline for women and children victims of violence Niksic, aimed at better protection of women and children victims of violence, in partnership with the Municipality of Niksic in 2010 has started the initiative to build a shelter for women and children victims of violence. Land for the construction of shelter is provided by the Municipality of Niksic and the construction is in the final phase. In addition, the shelter for women and children victims of violence in Pljevlja, run by NGOs Bona Fide, was equipped and opened in 2012. Support for equipment of shelter was provided by state institutions too. However, it is necessary to continuously work on the opening of a sufficient number of services for women and children victims of violence, taking into account the regional coverage.

(d) **Conduct research and collect comprehensive statistical data on violence against women, disaggregated by sex, age and relationship between the victim and perpetrator and carry out an in-depth analysis of the research and statistical data and utilize them to design policies and measures to combat violence against women.**

According to the Law on Domestic Violence Protection, the register of reported incidences of violence, victims, abusers, orders of protection granted as well as of other protection and assistance measures is maintained by the bodies and institutions (Police, misdemeanor body, public prosecution service, center for social welfare and other institutions of social and child welfare, health institution), in line with their respective powers, and deliver it to the ministry competent for human and minority rights protection.

In addition to official statistics, within the framework of IPA Programme for Gender Equality 2010, in the partnership of the Ministry of Human and Minority Rights and UNDP, the Survey on domestic violence in Montenegro has been conducted. The purpose of carrying out the study was to highlight the perception, intensity and forms of domestic violence and violence against women in Montenegro in order to meet the current situation and take appropriate measures to combat and prevent this phenomenon. Also, the study has served as an important source of information in the implementation of activities in the field of achieving sustainable and effective system to protect victims of domestic violence and measures to combat domestic violence. Study on violence against women and domestic violence in Montenegro is realized with the use of several different methods (desk methods, qualitative and quantitative methods of research, case studies) in order to gain more insight into the issue and get more objective data.

Some of the results of the study are as follows: "Every third person in Montenegro would not be willing to report domestic violence. Every fourth person in Montenegro believes that the victim is responsible for the violence because it "caused it by his/her actions". "Victims of domestic violence are usually women and children, while men are identified as perpetrators. The Survey, which was conducted on a sample of 1,103 respondents in 17 Montenegrin municipalities, shows that Montenegrins are insufficiently familiar with the responsibilities of institutions involved in the protection of victims of violence. Also, every third person in Montenegro would not be willing to report domestic violence because of low confidence in the effectiveness of institutions, fear, patriarchal understandings of family relationships and doubt that the problem of domestic violence can be stopped and overcome. The study served as a good basis for planning future policy in this area, particularly in defining the measures in the area of combating violence against women as part of the Plan of Action for Gender Equality, which was adopted in January 2013, as the Government's policy document in this area.

(e) **Set a time frame for ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011).**

Law on Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was adopted by the Parliament of Montenegro on 1st March 2013, and thus Montenegro was among the first countries to ratify this important international treaty.

20. Trafficking and exploitation of prostitution

(a) **Review its sentencing policy in trafficking cases and provide mandatory training for judges, prosecutors, and police officers on the appropriate application of article 444 of the Criminal Code and of relevant provisions on witness protection in the Criminal Procedure Code and the Witness Protection Law.**

Montenegro has, so far, adopted and incorporated in its legislative framework the UN Convention against Transnational Organized Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention on the Rights of Child and both protocols (Optional Protocol to the Convention on the Rights of the Child which relates to the

selling of children, child prostitution and child pornography and the Optional Protocol on the prohibition of child involvement in armed conflict).

The Constitution of Montenegro, Article 9, stipulates that ratified and published international treaties and generally accepted rules of international law are an integral part of the internal legal order and have primacy over national legislation and shall be applied when different from the national legislation. In line with the Constitution, the human life is inviolable. It guarantees the dignity and security of a human being and prohibits all forms of trafficking in persons and children.

The main regulations in criminalization of trafficking and prosecution of human trafficking are the Criminal Code and Criminal Procedure Code.

Criminal Code, Article 444, defines the following forms of this crime - labour exploitation, commercial, sexual exploitation and begging, removal of body for transplantation purposes, use in armed conflict, the commission of crimes and enslaving a person, while a separate article 445 defines the criminal offense of trafficking in children.

The basic form of the criminal offense of human trafficking envisages the punishment of imprisonment for one to ten years, if the offense is committed against a minor it is punishable by imprisonment for three years as statutory minimum which case it may impose a penalty of up to 20 years in prison, if a person died as a cause of the criminal offense of trafficking, or the offense was committed in an organized manner is punishable by imprisonment of at least ten years, as the legal minimum, in which case it may impose a maximum sentence of 20 years.

In accordance with the recommendations of expert bodies of the Council of Europe GRETA, the amendments were introduced in the Criminal Code, which entered into force in August 2013, and relating to the following:

- The definition of a victim was introduced. The victim is a person whom by an unlawful act prescribed in the law as a criminal offense, caused physical or mental pain or suffering, property damage or violation of human rights and freedoms;

- The legal description of the criminal offence of trafficking (Article 444)[2] has been given in more detail and introduces the slavery and slavery similar

[2] Article 444

(1) Anyone who by force or threat, deceit or keeping in delusion, by abuse of authority, trust, relationship of dependency, difficult position of another person or by keeping back identification papers or by giving or receiving money or other benefit for the purpose of obtaining consent of a person having control over another: recruits, transports, transfers, hands over, sells, buys, mediates in sale, hides or keeps another person for exploitation of work, submission to servitude, commission of crimes, prostitution or begging, pornographic use, taking away a body part for transplantation or for use in armed conflicts shall be punished by imprisonment for a term of one to ten years.

(2) If the offence referred to in Paragraph 1 of this Article is committed to a juvenile person, the offender shall be liable to imprisonment prescribed for that offence, even if there was no force, threat or any other of the stated methods present in the commission of the crime.

(3) If the offence referred to in Paragraph 1 of this Article is committed to a juvenile, the offender shall be liable to imprisonment for a minimum term of three years.

relationship, trafficking for the purposes of commencing illegal marriage, and the and severe form of paragraph 3, if the offense is committed by a public official against a minor, and introduced a provision that eliminates the possible dilemma in the sense that the consent of a victim of trafficking does not exclude this offense (paragraph 10);

- Also, the criminal offence of trafficking in children for the purposes of adoption (Article 445) extends to minors (persons from fourteen to eighteen years), so that it now provides broader protection against trafficking in minors;
- Two new criminal offenses have been introduced "Trafficking in human body parts" and "Advertising of trafficked human body parts."

Establishment of qualitative system of combating trafficking in human beings means continuous training and education of professionals in relevant institutions which caused the setting up of specialized institutions as following: Center for Judicial Education and Human Resources Authority. In addition, as of 2006 trafficking in human beings has been studied as a separate unit at the Police Academy. Thus, at the institutional level, a number of training for police, judges, prosecutors, military, educational, social and health workers, representatives of inspection services, as well as other targeted groups (tourist laborers, businessmen students, students of secondary and primary schools, representatives vulnerable populations-inmates of shelters for children) have been conducted, in which realization the significant support was provided by representatives of international and non-governmental partner organizations.

Center for Judicial Education organized number of trainings on the most important criminal justice institutes, and institutes which are applied in cases of human trafficking. During 2012, the Centre has organized 10 trainings/ seminars/conferences attended by 94 representatives of judicial authorities. During the first half of 2013, the Center for Judicial Education has organized two training sessions with 60 participants on key criminal justice institutions, which institutes apply in cases of human trafficking, with a focus on cross-border organized crime.

(b) **Intensify training for immigration and other law enforcement officials on early identification of (potential) victims of trafficking, with a special focus on women and girls who are particularly vulnerable to trafficking such as Roma, Ashkali and Egyptian (RAE) women, displaced women, and unaccompanied or street girls.**

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(4) If offences referred to in Paragraphs 1 and 3 of this Article have caused serious bodily injuries, the offender shall be liable to imprisonment for a term of one year to twelve years.
(5) If offences referred to in Paragraphs 1 and 3 of this Article have caused death of one person or more, the offender shall be liable to imprisonment for a minimum term of ten years.
(6) Anyone who deals with committing offences referred to in Paragraphs 1 to 3 of this Article or participates in their organised commission together with several other persons shall be liable to imprisonment for a minimum term of ten years.
(7) Who uses a services of a person to whom the crime has been committed from the Paragraph 1 of this Article, shall be liable to imprisonment from six months to five years.
(8) If the offence referred to in Paragraph 7 of this Article is committed to a juvenile person, the offender shall be liable to imprisonment from three to fifteen years.
(9) The consent of a victim to the exploitation against whom the offence has been committed from the Paragraphs 1 to 3 of this Article has no influence on existence of the criminal offence.

Government Office for Combating Human Trafficking, in cooperation with the Organization for Security and Cooperation in Montenegro (OSCE), organized a one-day workshop on 6 July 2013, when a list of indicators for early identification of victims of trafficking was developed. Drafted list of indicators was published in the form of cards and distributed to the representatives of law enforcement authorities in charge of combating human trafficking, as well as providing assistance and protection to victims of this crime, representatives of civil society and international organizations.

Government Office for Combating Human Trafficking, in cooperation with the American NGO "Fair girls" and NGO "Montenegrin Women's Lobby" was organized two-day training in May 2013, intended to the social and health workers, representatives of the Police and local authorities in the southern and central regions on the issue "Strengthening the capacity of law enforcement to identify victims of human trafficking/child of RE population." The same training was organized in July by representatives of the above mentioned institutions in the northern region of Montenegro. Training was successfully attended by a total of 22 officers of Centers for Social Welfare, 16 employees in the health centers, nine employees of emergency medical aid, 18 representatives of the Police, nine employees of local governments and two employees of the Office.

Department for Gender Equality, as part of the regular activities, in December 2012 prepared and printed the publication named "Forced Marriage" — confessions of Roma and Egyptians women in Montenegro. It also filmed a documentary on the issue of early and forced marriages-confessions Roma and Egyptian women. The movie "Nightmare" was promoted and recorded within the project of the NGO Montenegrin Women's Lobby "Stop Human Trafficking", which was partly financed from the state budget.

At the same time there were several seminars held with representatives of non-governmental organizations dealing with Roma and Egyptian women, with the aim of strengthening the network of Roma women NGOs in the fight against early and forced marriages in the RE population.

The Anti-trafficking Office continuously monitors the activities envisaged in the Strategy for Resolving the issue of displaced persons in Montenegro and the Action Plan for its implementation, with special reference to the refugee camp in Vrela Ribnicka.

During 2012, the Red Cross within the "Youth Club" organized serious of lectures on the theme of human/children trafficking in a refugee settlement in Vrela Ribnicka.

Representatives of the Police attended the following trainings during 2012:

- 11-15 June 2012 at the Police Academy in Danilovgrad a seminar entitled "Human trafficking and people smuggling" was organized by OSCE Mission and TADOK Academy in Turkey for 18 participants from the Police, the Customs Administration and the Office for Combating Trafficking in Human Beings,

- IPA 2009 Project, which is organized by the European Commission within the component I, "Strengthening the capacity of the Police in the fight against

organized crime," the Police Academy discussed the issue of trafficking in persons for a period of five days (at the end of June 2012).

In the first half of the 2013, the officers of the Border Police, and Department for the fight against organized crime and corruption, the Criminal Police Department who specifically monitor issues of human trafficking, attended the following trainings:

- 25-28 March, a seminar was held in Budva, on the topic "Prevention of Human Trafficking", organized by the OSCE Mission. Five police officers attended.
- 17-18 April, a regional seminar was held in Podgorica on "Combating seasonal sexual exploitation", organized by the European Commission. One police officer attended.
- 3-4 June, a seminar was held in Vienna, under the project "Combating human trafficking for labor exploitation", organized by the International Centre for Migration Policy Development (ICMPD) in cooperation with the Office of the Special Representative of the OSCE. One police officer attended.

(c) **Expedite efforts to establish a national mechanism for compensating victims of trafficking and strengthen programmes for their reintegration into society.**

The Government of Montenegro adopted the Draft Law on the Compensation of Victims of Crime in December 2011. The draft law was sent for an expertise to the Council of Europe and the European Commission. The public discussion on the Draft Law was organized on 19 December 2012 and was attended by representatives of judicial authorities and international and non-governmental organizations. By the adoption of the Law on Compensation of Victims of serious crimes will establish a state system of compensation that will be available to victims of trafficking.

The signing of the Protocol on Cooperation between the Office for Combating Trafficking in Human Beings and the Union of Employers created the conditions for quality reintegration, re-socialization and repatriation of victims of trafficking in persons/children through providing various specialized courses for vocational training of the victims, as well as providing opportunities for their preferred employment.

(d) **Broaden the cooperation with NGOs in implementing and monitoring the National Strategy for the Fight against Trafficking in Human Beings and the related Action Plan and provide funding for anti-trafficking activities of NGOs.**

Government of Montenegro, from the budget of the Office for Combating Trafficking in Human Beings, allocates the necessary funds for the operation of the Shelter for victims of trafficking. These funds are intended for financing expenses that are necessary to meet the basic living needs of victims of trafficking, as well as providing medical, legal, psychological and other forms of assistance. Direct assistance to victims and potential victims of trafficking in the shelter is provided by five activists of the NGO "Montenegrin Women's Lobby," to whom, from the budget of the Office for Combating Trafficking in Human Beings, monthly fee is paid to the gross amount of 300 euros per person.

In addition to these funds, the budget of the Office for Combating Trafficking in Human Beings financed rental costs and other expenses to the object where the shelter for victims of human trafficking is situated. At the same time, from the budget of the Office a helpline for victims of human trafficking is funded, which is available 24 h to all persons who find themselves in need to call or wanting to know more about human trafficking. Office for Combating Trafficking in Human Beings for the above purposes annually allocates approximately 40,000 euros.

Recognizing the strong contribution of civil society in the activities in the fight against trafficking in persons, the revised Memorandum on Cooperation of state institutions and civil society in the fight against human trafficking was signed on 18 October, 2013. The MoU was signed by the Supreme Prosecutor's Office, Ministry of Health, Ministry of Labour and Social Welfare, Ministry of Interior/Police Directorate, Ministry of Education, the Supreme Court, the Office for Combating Trafficking in Human Beings, the Red Cross of Montenegro, Center for Child and Family Support and six non-governmental organizations: Montenegrin Women's Lobby, Women Safety House, SOS hotline Niksic, SOS hotline Podgorica, Institute for Social Inclusion and the House of Hope. This Agreement legally defines responsibilities of institutions and organizations through clearly defined operational procedures to be implemented by the Parties in resolving specific cases of human trafficking, with a particular emphasis on the treatment in relation to women and children victims of trafficking.

At the same time, for the purpose of transparency and further improvement of cooperation with civil society organizations, Government Office for the fight against trafficking in human beings has announced two public calls on 25 October, 2013 and 11 November, 2013 for nomination for Members in the working group to monitor the implementation of the National Strategy to Combat Trafficking in Persons, in compliance with Article 9, paragraph 1 of the Regulation on the procedure for cooperation between the state administration and non-governmental organizations ("Official Gazette of Montenegro ", No. 07/12). Given that there were no candidates applying, the Office shall repeat the public calls.

(e) **Provide information in its next periodic report on the number of temporary residence permits granted to trafficking victims, including where those victims are unwilling or unable to cooperate with the prosecution authorities.**

Article 51 of the Law on Foreigners ("Official Gazette of Montenegro", no. 82/08, 72/09, 32/11, 53/11 and 27/13) stipulates that the temporary residence on humanitarian grounds can be granted to the foreigner who is assumed to be the victim of the criminal offence of human trafficking and juvenile foreigner who has been abandoned or is a victim of organized crime, and in the cases that does not meet other conditions for granting temporary residence (having a means of subsistence, provided accommodation or to have health insurance).

Temporary residence on humanitarian grounds shall be granted for a period of three months to one year and may be extended until there are no reasons in the above mentioned paragraph. Foreigner in paragraph 1 shall not be forcibly removed for illegal entry or stay in Montenegro. Foreigner referred to in paragraph 1 of this Article, for whom there is reasonable fear that testifying could be exposed to danger to life, health, physical integrity or freedom, provides protection and rights under the provisions of the law governing the protection of witnesses.

Article 9 of the Rules on granting of temporary residence and permanent residence and issuing travel documents to foreigners ("Official Gazette of Montenegro", no. 58/09 and 13/12), provides a temporary residence on humanitarian grounds, granted on the basis of adequate evidence of legal parties (international organizations, NGOs or government bodies), which provides victim assistance and protection, or the competent governmental authority confirming that the victim cooperates in resolving crimes.

The Ministry of Interior maintains records of approved temporary residence and permanent residence, which is updated daily. During the reporting period there were no requests for approval of a temporary residence permit on this basis.

(f) **Further intensify efforts to combat sexual exploitation of girls and boys.**

Strategic orientation of Montenegro is action at the bilateral and multilateral plan in the fight against human trafficking and active participation in the work of international organizations and initiatives aimed at combating this type of crime, as well as the harmonization of the legislative framework with international standards and international obligations.

At the bilateral level, during number of individual meetings of the National Coordinator for Combating Trafficking in Human Beings of Montenegro and Kosovo and representatives of relevant ministries and the Supreme Public Prosecutor's Office the text of the Protocol on Cooperation in Combating Human Beings has been drafted to improve the identification, reporting, referral, cooperation in criminal procedures and voluntary return of victims and potential victims of trafficking. Protocol, which will soon be formally signed, among other things provides for joint action in order to respond in a qualitative way the current trends when it comes to human trafficking.

Within the Council of Europe Campaign on Violence against Children "One in Five" several meetings have been held and have treated the particular vulnerability of children in relation to various forms of exploitation, and therefore in relation to - child trafficking for labor exploitation, forced begging, committing criminal works, concluding forced marriage, selling body organs, sexual exploitation through child prostitution and sex tourism, child pornography and abuse of children in armed conflict.

When working on amendments to the Criminal Code, we have analyzed the compliance of the criminal offences with Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and thus proposed the introduction of a new criminal offense - enticement of a child for the purpose of committing criminal offenses against sexual freedom (Article 211b) and modified criminal offenses - showing pornographic material to children and the production and possession of child pornography (Article 211).

In order to improve the implementation of the principles of the Code, the Office for Combating Trafficking in Human Beings developed a project entitled "Enhancing the fight against sexual exploitation in tourism", which is applied in the TAIEX. In March 2013, the Office organized a two-day regional workshop, during which special attention was paid to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

The Ombudsman has conducted a research on sexual exploitation of children in Montenegro. The research covers the period from 1 January, 2008 to 30 June 2011 and the goal is to determine the level of understanding of the phenomenon by the competent services and bodies and assessment of the current situation in this area. The research was presented to the public on 15 November 2012.

Police Directorate of Montenegro, within the jurisdiction of district units and branches of the Montenegrin police, continuously conducts raids of nightclubs and other objects, as well as the action of intensified control of the legality of detention of foreign nationals, all in order to prevent the possible prevention or detection of potential victims of human trafficking.

Within preparation of Montenegrin soldiers for peacekeeping missions and operations, various training programs in the country and abroad were conducted. A significant part of the training is focused on intelligence preparation of dealing with information about the culture, traditions and risks in the countries in which they implement the mission and operations. Information about the major risks obtained through training, indicate criminal activity of all kinds of crime in these countries, including the existence of human trafficking. At the end of February 2013 in preparation of VII Montenegrin contingent of ISAF in Afghanistan, the representative of the Office for the Fight against Trafficking in Human Beings gave a lecture on human trafficking.

Team of trainers — teachers of Civic Education in cooperation with representatives of the Office for Combating Trafficking in Human Beings created Methodological Guide for the transfer of knowledge on human trafficking in the education system - designed for teachers of primary and secondary schools, holding classes on the mentioned topic. The manual is electronically distributed to all the teachers who have attended training on the best methods of transferring knowledge about human trafficking.

23. Participation in political and public life

(a) **Review the 30-percent quota in the Electoral Law to ensure that in each group of three candidates, at least one candidate is a woman on political parties' electoral lists.**

The current Law on the Election of Councilors and MPs (Official Gazette of Montenegro, no. 46/11), in the Article 39a says, "In order to achieve the principle of gender equality on the electoral list shall be at least 30% of candidates from under-represented sex. Selection list that does not meet the requirements of paragraph 1 of this Article shall be deemed to be incomplete for the proclamation of the electoral list, a list of the applicant will be asked to correct the deficiencies of the list, in accordance with the law. Electoral list that does not correct the deficiencies referred to in paragraph 2 of this Article Electoral Commission shall reject the electoral list, in accordance with the law". The Working Group has been set up in the Parliament of Montenegro on 11 June, 2013 aimed at building a confidence in the electoral process, which should propose amendments to the electoral legislation and, among other things, the gender balance in the composition of the Parliament. In the moment of submitting the Report, the consensus hasn't been achieved in the Working Group on the introduction of guaranteed quota for less represented sex.

(b) **Introduce legislative measures and procedures for the implementation of article 10 of the Law on Gender Equality, including provisions on the rejection of proposals for appointments that do not comply with the principle of gender-balanced representation, unless there are justifiable reasons for exemption from this principle;**

(c) **Adopt other temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), such as a gender parity system for appointments and accelerated recruitment of women in the public service, especially in senior positions;**

Article 10 of the Law on Gender Equality (2007) states that the Parliament and Government of Montenegro, within its jurisdiction, shall apply the principles of gender equality, in particular the principle of equal representation in the selection and appointment to certain positions of working bodies and determining the composition of the official delegations.

Law on Amendments to the Law on Election of Councilors and MPs (2011), Article 39a says that in order to achieve the principle of gender equality on the list shall be at least 30% of the less represented sex.

The Law on Civil Servants and State Employees (July 2011) provides that the head of state authority, when deciding on a candidate, shall take into account a proportionate representation of minorities, gender-balanced representation, as well as the employment of persons with disabilities. In order to be able to monitor the implementation of measures so as to achieve proportional representation of gender, Human Resources Authority when publishing vacant positions clearly states this provision.

In practice, the data show that women predominantly work in state institutions (over 50%), while their number decreases with managerial functions. However, a significant number of women in positions of deputy ministers and heads of bodies have been noticed.

The following are statistical data collected during September 2013:

Government of Montenegro

	Total	*Women*	*Men*	*Women %*	*Men %*
Prime Minister	1	0	1	0.0	100.0
Vice-Prime Ministers	4	0	4	0.0	100.0
Ministers	17	3	14	17.65	82.35
Secretary-General	1	0	1	0.0	100.0
Deputy Secretary-General	1	1	0	100.0	0.0
Assistant Secretary-General	2	1	1	50.0	50.0
Advisors to the Prime Minister	10	2	8	20.00	80.00
Advisors to the Vice-Prime Minister	10	5	5	50.00	50.00
Directors of Directorates	67	28	39	41.79	58.21

	Total	*Women*	*Men*	*Women %*	*Men %*
Secretaries of the Ministries	15	4	11	26.67	73.33
State Secretaries	6	2	4	33.33	66.67
Directors (secretariat, administration body, bureau, direction and agency)	36	9	27	25.00	75.00
Deputy Directors (secretariat, administration body, bureau, direction and agency)	57	22	35	38.60	61.40

Parliament of Montenegro

Parliament of Montenegro	*Total*	*Women*	*Men*	*Women %*	*Men %*
Speaker of the Parliament	1	0	1	0.0	100.0
Vice-Speakers of the Parliament	3	0	3	0.0	100.0
MPs	81	13[3]	68	16.05	83.95
Secretary-General	1	0	1	0.0	100.0
Deputy of the Secretary-General	1	0	1	0.0	100.0

Working bodies in the Parliament of Montenegro	*Number of members*	*Number of women*	*Women %*	*Men %*
Constitutional Committee	13	1	7.69%	92.31%
Legislative Committee	13	2	15.38%	84.62%
Committee on Political System, Judiciary and Administration	13	3	23.08%	76.92%
Security and Defense Committee	13	0	0.00%	100.00%
Committee on International relations and Emigrants	13	1	7.69%	92.31%
Committee for European Integration	13	1	7.69%	92.31%
Committee for Economy, Finance and Budget	13	0	0.00%	100.00%
Committee on Human Rights and Freedoms	11	3	27.27%	72.73%
Committee for Gender Equality	11	9	81.82%	18.18%
Committee on Tourism, Agriculture, Ecology and Spatial Planning	13	1	7.69%	92.31%
Committee for Education, Science, Culture and Sport	11	5	45.45%	54.55%
Committee for Health, Labor and Social Welfare	11	1	9.09%	90.91%
Anti-corruption Committee	13	0	0.00%	100.00%
Administrative Committee	13	3	23.08%	76.92%

[3] Until May 2013, there were 14 women MPs in the Parliament of Montenegro, but by replacement of female MP Ana Ponoš with a male MP Goran Tuponja, the percentage of women in the Parliament has been reduced from 17.28 to 16.05%.

Working bodies in the Parliament of Montenegro	*Number of members*	*Number of women*	*Women %*	*Men %*
Commission on Monitoring and Control of Privatization Process	8	0	0.00%	100.00%
Inquiry Committee for the purpose of collecting information and facts on the events relating to the work of state authorities regarding publishing of audio recordings and transcripts from the meetings of DPS authorities and bodies	12	1	8.33%	91.67%
Working Group for building trust in election process	12	3	25.00%	75.00%

Courts

No.	*Court*	*No. of women judges*	*Total number of judges*	*Court President*	*Women Judges %*
1	Supreme Court	10	18	Woman	55.56%
2	Administrative Court	5	10	Man	50.00%
3	Court of Appeal	5	10	–	50.00%
4	Commercial Court Bijelo Polje	1	5	Man	20.00%
5	Commercial Court Podgorica	11	16	Man	68.75%
6	Higher Court Bijelo Polje	7	19	Man	36.84%
7	Higher Court Podgorica	23	34	Man	67.65%
8	Basic Court Bar	5	10	Man	50.00%
9	Basic Court Berane	5	10	Man	50.00%
10	Basic Court BP	7	13	Man	53.85%
11	Basic Court Cetinje	3	5	Man	60.00%
12	Basic Court Danilovgrad	2	4	Woman	50.00%
13	Basic Court Herceg Novi	5	7	Woman	71.43%
14	Basic Court Kolašin	2	3	Man	66.67%
15	Basic Court Kotor	6	16	Man	37.5%
16	Basic Court Nikšić	9	17	Man	52.94%
17	Basic Court Plav	1	2	Man	50.00%
18	Basic Court Pljevlja	6	7	Woman	85.71%
19	Basic Court Podgorica	26	39	Man	66.67%
20	Basic Court Rožaje	1	5	Man	20.00%
21	Basic Court Ulcinj	2	6	Woman	33.33%
22	Basic Court Žabljak	0	3	Man	0.00%
Total		**143**	**260**		**55.00%**

(d) **Remove discriminatory practices and address cultural barriers that prevent women from moving into decision-making and management positions in the education sector and so ensure proportionate representation of women and men in principal positions.**

Ministry of Education, in accordance with the CEDAW recommendations, runs a policy of improving the practice of eliminating discrimination and cultural barriers that prevent women to be employed in positions of decision-making and leadership positions in the education sector and to ensure proportional representation of women and men in positions of Director of the institution.

A key criterion for the selection of directors of institutions, under the same conditions, is the evaluation of the quality of the overall educational work and submitted development program of the institution. We note that at the time when recommendations were passed, the most of directors were for the period and the expiration of the mandate or dismissal possible with the new appointments will be based on proportional representation of women and men on the positions of educational institutions.

Directors of educational institutions	*Number of women*	*Number of men*	*% of women*
Homes for students	2	6	33,33
Musical elementary schools	7	2	77,78
Musical secondary schools	3	2	60
Educational centers	1	1	50
Elementary schools	44	117	27,33
Secondary schools	7	35	16,67
Secondary schools (private)	0	1	0
Pre-school institutions	15	3	83,33
Resource centers	0	3	0
Total	**79**	**168**	**31,98**

University of Montenegro — the total number (21) University units — 5 are female deans and 16 male deans (31.6%).

The data indicate that the percentage of women in managerial positions in educational institutions is growing; however, it is still necessary to work to empower women and break the stereotype that women were equally represented in decision-making.

(e) **Provide incentives for political parties to nominate equal numbers of women and men as candidates and harmonize their statutes with the Law on Gender Equality, e.g. through party financing and by encouraging broadcasting media to allocate extra time to those parties during electoral campaigns.**

(f) **Create an enabling environment for political participation of women, including Roma, Ashkali and Egyptian women, e.g. by adequately funding campaigns of women candidates, educating young women leaders, and strengthening women's wings of political parties.**

Ministry for Human and Minority Rights, in the framework of IPA Gender Programme 2010, which is being implemented in cooperation with UNDP and with financial support from the EU, organized a series of conferences/training on the political empowerment of women:

- 3 annual international conferences on women in politics that brought together about 300 participants from parliamentary parties and international organizations;
- Extensive training program for 167 members of the parliamentary political parties in the three municipalities where local elections were held 2012 (Kotor, Tivat and Herceg Novi)
- Extensive training program for trainers, which included 24 representatives of the parliamentary political parties;
- Lobbying campaign involving 11 meetings of the Resident Coordinator of UNDP in Montenegro with leaders of parliamentary political parties, the Committee on Gender Equality, representatives of the European Parliament and the European Commission and civil society.

The Gender Programme IPA 2010, during September and October 2013, led the campaign for the improvement of affirmative action in the Law on Election of Deputies. With representatives of the Working Group to build trust in the electoral process, as well as representatives of all political parties, it was asked to consider the introduction of specific measures on funding women's groups within the party in the Law on Financing of Political Parties and the Law on Political Parties to clearly define encouraging women to political associations within the party, and delegating their representatives in the managerial positions of the party. Political parties positively commented these efforts, but only a slight success was achieved when it comes to women's political organization.

Furthermore, the Ministry organizes trainings for representatives of Roma NGOs to strengthen their capacity, particularly in the area of combating violence against women and forced marriages. At the same time, the OSCE Mission to Montenegro, in cooperation with the Ministry for Human and Minority Rights, in partnership with NGOs, initiated the training of media to be sensitized to gender-responsive reporting and interested in the issue of women's political participation and other important issues related to the gender equality policy in the country.